

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

BOARD OF COMMISSIONERS OF
MONTGOMERY COUNTY, OHIO, on behalf of
MONTGOMERY COUNTY, OHIO; and BOARD OF
COMMISSIONERS OF SENECA COUNTY, OHIO
on behalf of SENECA COUNTY, OHIO, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

FEDERAL HOUSING FINANCE AGENCY, as
Conservator for Federal National Mortgage Association
and Federal Home Loan Mortgage Corporation;
FEDERAL NATIONAL MORTGAGE
ASSOCIATION a/k/a FANNIE MAE, a federally
chartered corporation; and FEDERAL HOME LOAN
MORTGAGE CORPORATION a/k/a FREDDIE
MAC, a federally chartered corporation,

Defendants.

Case No. 3:12-cv-245
Judge Thomas M. Rose

Order Granting Motion to Certify Class. R. 40.

This matter is before the Court on the Plaintiffs' Motion for Class Certification and Supplemental Motion, ECF Nos. 40, 40-1, & 43, and Defendants' Consent Response To Plaintiffs' Motion For Class Certification, ECF No. 47. Based upon Defendants' consent, subject to certain reservations of rights and defenses, to Plaintiffs' Motion for Class Certification, and for good cause shown, it is hereby ORDERED as follows:

1. The Court has jurisdiction over the subject matter of this lawsuit, over all parties to this lawsuit, and over all Class members (as defined below);
2. A class is hereby CERTIFIED pursuant to Federal Rule of Civil Procedure 23(a) and

(b)(3), and is defined as follows:

“Any Ohio County that recorded a deed or other conveyance to or from the Enterprise Defendants where those Defendants claimed to be exempt from payment of the Ohio Transfer Taxes.”

3. The Court finds that the prerequisites for a class action under Federal Rule of Civil Procedure 23(a) and (b)(3) have been satisfied inasmuch as (a) the number of Class members is so numerous that joinder of all members thereof is impracticable; (b) there are questions of law and fact common to the members of the Class; (c) the claims of the named Plaintiff are typical of the claims of other members of the Class; (d) the named Plaintiff will fairly and adequately represent the interests of the Class; (e) the prosecution of separate actions by or against individual members of the Class would create a risk of (1) inconsistent or varying adjudications with respect to individual members of the Class, which would establish incompatible standards of conduct for the Defendants, or (2) adjudications with respect to individual members of the Class that would, as a practical matter, be dispositive of the interests of the other members or would otherwise substantially impair or impede other Class members' ability to protect their interests; (f) there are common questions of law and fact involving the Class members, which common questions predominate over any individualized issues; and (g) a class action is superior to other available methods for the fair and efficient adjudication of the controversy. The Board of Commissioners of Montgomery County, Ohio and the Board of Commissioners of Seneca County, Ohio are appointed as the Class Representatives.

4. Pursuant to Fed. R. Civ. P. 23(g), the Court appoints the law firms of Hausfeld LLP and Wolf, Rifkin, Shapiro, Schulman & Rabkin, LLP to jointly serve as Class Counsel, and appoints Isaac, Brant, Ledman & Teetor to serve as Class Liaison Counsel. The Court finds that these

Class Counsel will fairly and adequately represent the interests of the Class. In so finding, the Court has considered (1) the work Class Counsel have done in identifying and investigating potential claims in this action; (2) Class Counsel's collective experience in handling class actions and other complex litigation, and aggregate claims like those asserted in the action; (3) Class Counsel's knowledge of the applicable law; and (4) the resources Class Counsel will commit and have already committed to representing the Class.

5. Notice of this Order shall be provided to all members of the Class under a Plan of Notice.

6. Within 30 days of the date this Order is filed, Class Counsel shall file with the Court a proposed Plan of Notice, with an attached form of Class Notice, for the Court to review and consider approval thereof. Class Counsel will consult with counsel for the Defendants to present a consent Plan of Notice and consent Class Notice.

February 28, 2013.

s/Thomas M. Rose
United States District Judge

Consented to by all counsel:

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